

UNITED STATES DISTRICT COURT  
WESTERN DISTRICT OF MICHIGAN  
SOUTHERN DIVISION

KYLE GADSON,

Plaintiff,

v.

MATT MACAULEY, et al.,

Defendants.

Case No. 1:21-cv-398

HON. JANE M. BECKERING

**ORDER**

This is a civil rights action filed under 42 U.S.C. § 1983. On November 18, 2022, the Magistrate Judge issued a Report and Recommendation (ECF No. 17), recommending that Plaintiff's remaining claims against Defendants Unknown McBride, Unknown Fuller and Unknown Battle be dismissed without prejudice for failure to timely effect service. The Report and Recommendation was duly served on Plaintiff. No objections have been filed. *See* 28 U.S.C. § 636(b)(1). Accordingly:

**IT IS HEREBY ORDERED** that the Report and Recommendation (ECF. No. 17) is APPROVED and ADOPTED as the Opinion of the Court.

**IT IS FURTHER ORDERED** that Plaintiff's remaining claims against Defendants Unknown McBride, Unknown Fuller and Unknown Battle are DISMISSED without prejudice for the reasons stated in the Report and Recommendation.

**IT IS FURTHER ORDERED** that this Court certifies pursuant to 28 U.S.C. § 1915(a)(3) that an appeal of this decision would not be taken in good faith. *See McGore v. Wrigglesworth*,

114 F.3d 601, 610-11 (6th Cir. 1997), overruled on other grounds by *Jones v. Bock*, 549 U.S. 199, 206, 211-12 (2007).

A Judgment will be entered consistent with this Order.

Dated: December 9, 2022

/s/ Jane M. Beckering  
JANE M. BECKERING  
United States District Judge